

raised by such sale, or so much thereof as is necessary, shall be applied to discharge the debt secured by such mortgage; and if money sufficient to pay the debt secured by the mortgage is not raised by a sale of the part foreclosed and sold as aforesaid, then the chancellor shall decree a sale of such other part of the mortgaged premises as will be sufficient for that purpose.

As to mortgages in the city of Baltimore, by 1833, ch. 181, 283, where the mortgagee files his assent after the mortgage is recorded, the court may decree a sale. In case of mortgage of freehold estates, where the mortgagee is dead, not necessary to make heirs parties. Receipts of executors or administrators to have the same effect as a release or reconveyance.

By 1833, ch. 181, in cases of foreclosures or sale of mortgage, not necessary to make heirs of mortgagee parties.

By idem. Docket entry of assignment of interest valid.

By idem. Docket entry of satisfaction to discharge mortgaged property.

By 1831, ch. 311, the court may decree a demise where infants are seized in remainder or reversion, if the assent of the tenant of the particular estate and of the subsequent or immediate remainder may be obtained, and also when infants may be tenant of the particular estate for life or years.

By idem, may also decree a demise where the tenant of the particular estate for life is of full age, and shall pray for such decree.

See 1835, ch. 380, the court may, before final hearing, decree a sale in cases of liens.

Where a minor is a defendant and non-resident, the court may without any other process issue a commission to take his answer, 1832, ch. 302.

SEC. 2. By 1837, ch. 292, the bond required under this law is dispensed with.

SEC. 3. *And be it enacted*, That in all cases of application to the chancellor to foreclose any mortgage, he shall have full power and authority, in case the party against whom the bill shall be filed does not pay the sum due upon the mortgage by the time limited in the decree for paying the same, to order and direct that the mortgaged premises, or so much thereof as may be necessary to discharge the money due and costs, be sold for ready money, (unless the plaintiff shall consent to a sale on credit,) by a proper person to be appointed by the chancellor, and to order that the money raised by such sale be brought into court to be paid to the plaintiff; and the person empowered to make such sale shall give bond, with good security, to be approved by the chancellor, for the faithful execution of the trust, and full compliance with the order of the chancellor, and upon failure to execute such trust, the party grieved shall have a right to bring suit on such bond, or a copy thereof, against principal and security or securities, and shall recover the money for which the mortgaged premises shall have sold, and the plea of *non est factum* shall not be received, unless verified as aforesaid; and the chancellor may also issue attachment of contempt against the person empowered to sell as aforesaid, and his security or securities, and may thereupon commit both principal and

On application, &c. chancellor may direct a sale, &c.